

**SENATE . . . . . No. 1583**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Benjamin B. Downing***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to renewable energy portfolio standards.

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PETITION OF:

NAME:

*Benjamin B. Downing*

DISTRICT/ADDRESS:

*Berkshire, Hampshire, Franklin and Hampden*

**SENATE . . . . . No. 1583**

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By Mr. Downing, a petition (accompanied by bill, Senate, No. 1583) of Benjamin B. Downing for legislation relative to renewable energy portfolio standards. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to renewable energy portfolio standards.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subsection (c) of section 11F of Chapter 25A, as amended by section 15 of  
2 chapter 209 of the acts of 2012, is hereby further amended by striking out paragraph (6) and  
3 inserting in place thereof, the following paragraph:-

4 (6) energy generated by new hydroelectric facilities, or incremental new energy from  
5 increased capacity or efficiency improvements at existing hydroelectric facilities; provided,  
6 however, that (i) each such new facility or increased capacity or efficiency at each such existing  
7 facility must meet appropriate and site-specific standards that address adequate and healthy river  
8 flows, water quality standards, fish passage and protection measures and mitigation and  
9 enhancement opportunities in the impacted watershed as determined by the department in  
10 consultation with relevant state and federal agencies having oversight and jurisdiction over  
11 hydropower facilities (“Environmental Standards”), and in any case in which pursuant to action  
12 initiated with or by the Federal Energy Regulatory Commission (FERC) after January 1, 1992  
13 the FERC either reviewed and approved the new facility or increased capacity or efficiency at an  
14 existing facility, or issued an order with respect to increased capacity or efficiency improvements  
15 to revise the authorized installed capacity at an existing facility, where the operation of such  
16 increased capacity or efficiency does not exceed the maximum discharge of the original turbine  
17 or turbines, then such new facility or increased capacity or efficiency at each such existing  
18 facility shall be deemed to have satisfied the Environmental Standards, defined above, and  
19 except as limited by the following sub-section (6) (ii), shall be certified as a Class I renewable  
20 energy generating source, without further review; (ii) only energy from new facilities having a  
21 capacity up to 30 megawatts or attributable to improvements that incrementally increase capacity

22 or efficiency by up to 30 megawatts at an existing hydroelectric facility shall qualify; and (iii) no  
23 such facility shall involve pumped storage of water;

24 SECTION 2. Subsection (d) of section 11F of chapter 25A, as amended by section 16 of  
25 chapter 209 of the acts of 2012, is hereby further amended by striking out paragraph (6) and  
26 inserting in place thereof, the following paragraph:-

27 (6) energy generated by existing hydroelectric facilities, provided that, (i) each such  
28 existing facility shall meet appropriate and site-specific standards that address adequate and  
29 healthy river flows, water quality standards, fish passage and protection measures and mitigation  
30 and enhancement opportunities in the impacted watershed as determined by the department in  
31 consultation with relevant state and federal agencies having oversight and jurisdiction over  
32 hydropower facilities (“Environmental Standards”), provided that: (a) in any case in which an  
33 existing facility operates under Federal Energy Regulatory Commission (FERC) jurisdiction  
34 pursuant to action initiated with or by the FERC after January 1, 1992, such existing facility shall  
35 be deemed to have satisfied the Environmental Standards, defined above, and except as limited  
36 by the following subsection 6 (iii), shall be certified as a Class II renewable energy generating  
37 source without further review; or (b) in any case in which an existing facility, with FERC  
38 nameplate capacity greater than 1 MW, operating under FERC jurisdiction, pursuant to action  
39 initiated with or by and approved by the FERC prior to January 1, 1992, the department may, by  
40 appropriate means, determine that such existing facility meets the Environmental Standards; (ii)  
41 existing, FERC regulated facilities, with FERC nameplate capacity of 1 MW or less shall be  
42 certified as Class II renewable energy generating sources, without further review of  
43 Environmental Standards, as defined above; and (iii) provided further, that only energy from  
44 existing facilities up to 7.5 megawatts shall be considered renewable energy and no such facility  
45 shall involve pumped storage of water;